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Sather, Crawford, Curry, and Abanico

11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 **IVAN VERNARD CLEVELAND,**

16 Plaintiff,

17 v.

18 **BEN CURRY, Warden, et al.,**

19 Defendants.

C 07-2809 JF (PR)

**DECLARATION OF
KENNETH T. ROOST IN
SUPPORT OF DEFENDANTS'
REPLY REGARDING THEIR
MOTION TO DISMISS**

21 I, KENNETH T. ROOST, declare as follows:

22 1. I am an attorney admitted to practice before the courts of the State of California and
23 before this Court. I am employed by the California Attorney General's Office as a Deputy
24 Attorney General in the Correctional Law Section. I am assigned to represent Defendants Sather,
25 Crawford, Curry, and Abanico in this case. I am competent to testify to the following matter, and
26 if called on to do so, I would and could so testify. I submit this declaration in support of
27 Defendants Sather and Crawford's motion to dismiss.

28 2. Attached as Exhibit A are two custodian-of-records declarations from the Correctional

Decl. Roost Supp. Defs.' Reply re Mot. Dismiss

Cleveland v. Curry, et al.
C 07-2809 JF (PR)


1 Training Facility (CTF), where Plaintiff Ivan Cleveland is presently housed. These declarations
2 were received with the remaining exhibits, and authenticate them.

3 3. Attached as Exhibit B is the appeals history of administrative grievance CTF-06-
4 03619, which concerns Cleveland's claim against Defendant Crawford for denial of law-library
5 access on October 31, 2006.

6 4. Attached as Exhibit C is the "Level I & II" Appeals Tracking System printout for
7 Plaintiff Ivan Cleveland. This printout shows Cleveland's administrative-grievance history at
8 CTF, current through March 7, 2008. As shown on page two of this printout, the grievance
9 concerning Defendant Crawford—CTF-06-03619—was voluntarily withdrawn by Cleveland at
10 the second level of review.

11 5. These attached documents were provided by the Custodian of Records in response to
12 the Attorney General Office's request for inmate appeals from Plaintiff's Central File relevant to
13 this action.

14 I declare under penalty of perjury that the foregoing is true and correct to the best of my
15 knowledge and that this declaration is executed on May 13, 2008, at San Francisco, California.

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19 KENNETH T. ROOST
Deputy Attorney General

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